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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,322	09/30/2003	John C. Sexton	EMC03-12(02169)	4640
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BARRY W. CHAPIN CHAPIN INTELLECTUAL PROPERTY LAW, LLC WESTBOROUGH OFFICE PARK 1700 WEST PARK DRIVE WESTBOROUGH, MA 01581			EXAMINER HUSSAIN, TAUQIR	
			ART UNIT 2152	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/674,322	Applicant(s) SEXTON ET AL.	
	Examiner Tauqir Hussain	Art Unit 2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/272007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the amendment/reconsideration filed on 11/27/2007. Claims 2, 8, 19 and 25 have been amended, claims 38-42 have been newly added and therefore, claims 1-42 are pending in this application.

Response to Arguments

2. Applicant's arguments filed on 11/27/2007 have been fully considered but they are not deemed to be persuasive. In the remarks, applicant argued in substance that prior art does not predate the filing of this instant application however, Weber et al. does claim priority to earlier-filed U.S. Provisional App. No.60/423,557 (filed Nov. 4, 2002), U.S. Provisional App. No. 60/427,294 (filed Nov. 18, 2002) and U.S. Provisional App. No. 60/429,050 (filed Nov. 25, 2002), However Applicant claims there was no support found for subject matter cited from Weber et al, particularly in reference to (Weber, Fig. 29 and paragraph [0195]).

Examiner respectfully disagrees and cites the details from U.S. Provisional App. No. 60/427,294 (filed Nov. 18, 2002), Slide-14, 19, 20 and 21, where events, status of events, severity values and severity rankings are disclosed. Further, Slide-7, describes the alert messages corresponding to above mentioned events. Slides-20 and 21 displays the plurality of chart entries and corresponding alert messages. Further, Slides 19 covers the subject matter of node filtering attributes and therefore, Examiner maintains the rejected cited in last office action dated: 08/29/2007.

3. Any remark, which is not in claimed language, is not being considered by Examiner.

Response to Amendment

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-13, 18-30 and 35-37 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Weber ET al. (Pub. No.: US 2006/0173992 A1), hereinafter "Weber" in view of Akagawa et al. (Pub. No.: 2004/0210791 A1), hereinafter "Akagawa".

6. As to claims 1, 18, 35, 36 and 37, Weber discloses, the invention substantially, including, receiving alert messages corresponding to status events in the network (Weber, Abstract, where network anomalies are alert messages corresponding to status events), each status event having a corresponding event category and severity value (Weber, Abstract, where anomalies is a category and Fig.10, Element-56c, [0195], where events has severity indicator/value);

aggregating the alert messages according to event category and severity value to generate a category specific severity ranking of the alert messages (Weber, Abstract,

where aggregator device produces a table that maps each node on the network to determine network events from aggregating of anomalies into network events and Fig.29, Element-304, [0195], where severity is shown with respect to category);

displaying a status array having a plurality of chart entries (Weber, Fig.29, [0195]), each chart entry corresponding to alert messages of a particular event category (Weber, Fig.29, [0195] where events are listed corresponding to the type of alert messages) and each chart entry having a node entry for each node having status attributable to the alert messages (Weber, Fig.29, [0195], where source is the node entry and action taken is status attributable to alert messages); and

displaying, within at least one chart entry (Weber, Fig.29), node entries having a status event associated with the event category for that chart entry (Weber, Fig.29, where node have corresponding event category), the node entries displayed in the chart entry according to the severity ranking and each node entry indicative of a severity scale of status for the corresponding effected node (Weber, Fig.29, [0195], where severity level is displayed in percentage value and are ranked from low to high percentage). Weber however, is silent on disclosing the invention in SAN. Akagawa however discloses the invention in SAN environment.

Therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to combine the teachings of Weber with the teachings of Akagawa in order to provide a system to correctly notify a fault, in case a fault has occurred in the volume, by using a host computer which can access the volumes as

managed by a management computer that integrally manages a plurality of devices constituting a network.

7. As to claims 2 and 19, Weber and Akagawa discloses the invention substantially as in parent claims 1 and 18, including, accumulating events of each of a plurality of severity levels (Weber, Fig.29, Element-304, where percentage shows the accumulation of events by category), each severity level representing a range of severity values such that a given status event with a given severity value has corresponding severity level when the given severity value of the given status event is within a range of severity values for the corresponding severity level (Weber, Fig.29, element-304, [0125] and [0129] where severity is displayed in %age which means there has to be a certain range/scale to measure the severity in %age for corresponding events, further critical or out of bound severity levels are calculated based on predefined threshold), wherein the severity scale for a node entry is an enumeration of events received for each of the plurality of severity levels within the severity ranking (Weber, Fig.29 and Fig.30, [0195], where displayed on user interface is severity levels, severity ranking and severity values are listed among corresponding events and categories) the severity ranking determined by the severity scale for each node entry, (Weber, Fig.29, element-308, [0197] where top ten nodes are listed based on severity level ranking which is based on statistical measure); and

displaying the enumeration of events received for each node entry within the at least one chart entry containing that node entry (Weber, Fig.29 and Fig.30, [0195] and

[0196], where user interface is displayed with all the events with their characterizations), the enumeration displayed in an order according to the severity ranking (Weber, Fig.32, where enumeration is listed according to the severity ranking).

8. As to claims 3 and 20, Weber and Akagawa discloses the invention substantially as in parent claims 2 and 19, including, wherein the enumeration is a histogram having a magnitude based on the severity scale and a quantity of events within each severity level within the severity ranking (Weber, Fig.29, [0195], where events listed in element-304 are translated into graph with listed attributes of the events described in parent claims 2 and 19 above).

9. As to claims 4 and 21 are rejected for the same rationale applied to claims 3 and 20 above, further Examiner takes the official notice that histograms can be displayed in many different shapes and colors and is well know technique in the art.

10. As to claims 5 and 22, Weber and Akagawa discloses the invention substantially as in parent claims 1 and 18, including, further including discovering a topology of nodes (Weber, [0004], where monitoring a network with established topology means discovering a topology of nodes), wherein the alert messages correspond to status events for each of a plurality of selected nodes in a selection tree (Weber, Fig.30, [0198], where node statistics are displayed when user clicks on the line item in the user interface area of listed items) the selection tree indicative of the nodes (Weber, Fig.29, [0195]). Weber however is silent on disclosing the invention in SAN. Akagawa however,

discloses the instant invention concept in SAN environment and it will be an obvious variation to combine the teachings of Weber with the teachings of Akagawa.

11. As to claims 6 and 23, Weber and Akagawa discloses the invention substantially as in parent claims 1 and 18, including, further including filtering the status events to compute a subset of elected events (Weber, Fig.12, [0083], where filtering is shown based on specific event), wherein the received events correspond to elected events determined in response to predetermined filtering logic at the agents processing the elected events (Weber, Fig.12, [0084], where predetermined logic is defined for filtering).

12. As to claims 7 and 24, Weber and Akagawa discloses the invention substantially as in parent claims 1 and 18, including, wherein each chart entry has a magnitude axis (Weber, Fig.29, [0195], where element-304 can be mapped into graph or histogram as depicted in the drawing which has x-axis and y-axis being magnitude), the magnitude axis indicative of a relative range of the quantity of status events within each of the severity levels corresponding to a plurality of node entries reflected in the chart entry (Weber, Fig.29, [0195], where Y-axis shows the severity range of anomalies and X-axis shows the quantity/frequency of events).

13. As to claims 8 and 25, Weber and Akagawa discloses the invention substantially as in parent claims 1 and 18, including, wherein each chart entry has a manageable entity axis (Weber, Fig.15, Nodes A, B and C can represent manageable entity axis),

the manageable entity axis arranged, for each node, according to increasing severity scale denoting the severity ranking for each node included in the chart entry (Weber, Fig.30, [0198], where anomalies detected column represents the node and normal column represents the severity level which can also be interpret as ranking), and further comprising computing the severity scale for each node according to a predetermined severity metric (Weber, [0084], where calculation is made from predetermined parameters to determine the severity).

14. As to claims 9-10 and 26-27, Weber and Akagawa discloses the invention substantially as in parent claims 1 and 18, including, wherein the severity level corresponds to a threshold value, the threshold value identifying triggering of an event having the corresponding severity level (Weber, Fig.29, [0195], where element-304, list the severity in percentage along with indication of low, medium and high which means there has to be a threshold set up for each indication to occur and this step can be repeated further within the group of anomalies).

15. As to claims 11 and 28, Weber and Akagawa discloses the invention substantially as in parent claims 10 and 27, including, further comprising processing and propagating the threshold values to remote agents (Weber, Abstract, where collecting data and statistical information and aggregating of anomalies obviously means there has to be remote agents and threshold values have been set for detection of events between host and remote computers on the network), the remote agents operable to analyze nodes and determine when a particular metric satisfying a triggering threshold

is attained and generate the corresponding event (Weber, Abstract, again same rationale can be given as host obviously has agent collecting information on the network for any abnormalities or in case of any anomalies).

16. As to claims 12 and 29, Weber and Akagawa discloses the invention substantially as in parent claims 1 and 18, including, wherein the nodes further comprise manageable entities (Weber, Fig.15), the manageable entities responsive to the server, and further including storage entities, connectivity entities, and database entities (Weber, Fig.2, [0051], where server obviously will have storage, connectivity entities could be switches).

17. As to claims 13 and 30, Weber and Akagawa discloses the invention substantially as in parent claims 1 and 18, including, further comprising selectively suppressing events of a particular category and severity (Weber, [0199], where selected events type means selection can be made by category or events).

18. claims 38-42, carry similar limitations as the parent claims 1, 35, 36 and 37, therefore are rejected under for same rationale.

19. Claims 14-15 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weber and Akagawa in view of Manghirmalani et al (Patent Number: 5,819,028), hereinafter "Manghirmalani".

20. As to claims 14 and 31, Weber and Akagawa discloses the invention substantially as in parent claims 1 and 18, including, wherein the chart entries in the status array are further subdivided into chart entries directed to manageable entity health (Weber, Fig. 29, [0195], where over all network performance monitor can be interpret as manageable entity health). Weber and Akagawa are silent on disclosing explicitly, displaying storage capacity in the chart. However, Manghirmalani discloses, a system, which display network health, load and error (Manghirmalani, Fig.13 and 14, Col.5, lines 39-50, where load, error and performance are shown in meter form and histogram as well and it will be obvious variation to represent the storage capacity in the chart form as well).

Therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to combine the teachings of Weber and Akagawa with the teachings of Manghirmalani in order to provide a system to monitor and interpret the behavior of network entities or domains in a manner that is specific, yet independent of the network entity.

21. As to claims 15 and 32, Weber, Akagawa and Manghirmalani discloses the invention substantially as in parent claims 1 and 18, including, receiving a selection of at least one node in a hierarchical arrangement of nodes (Manghirmalani, Fig.2, Col.5, lines 51-58, where corporate, field office 1,2 and 3 are hierarchical); and wherein receiving, aggregating, displaying a status array, and displaying, within at least one chart entry, node entries (Weber, Fig.29, [0195], where all feature are listed in

tabular and chart forms) are performed in relation to the selected at least one node in order to display the simultaneous status of nodes in a network (Weber, Fig.29, [0198], where at least one node is displayed in the chart).

22. Claims 16-17 and 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weber and Akagawa in view of Manghirmalani as applied to claim 15 and 32 above, and further in view of Beshai et al (Pub. No.: US 2004/0037558 A1), hereinafter "Beshai".

23. As to claims 16 and 33, Weber, Akagawa and Manghirmalani discloses the invention substantially, including,

i) a general alert chart entry displaying alert status of managed entities in the network (Weber, Fig.29, [0195]);

ii) a storage chart entry indicating alert status of managed storage entities in the network (Manghirmalani, Fig.13 and 14, Col.5, lines 39-50, where load, error and performance are shown in meter form and histogram as well and it will be obvious variation to represent the storage capacity in the chart form as well);

iii) a host chart entry indicating alert status of managed host entities in the network (Manghirmalani, Fig.13 and 14, Col.5, lines 39-50, where load, error and performance are shown in meter form and histogram as well and it will be obvious variation to represent the storage capacity in the chart form as well); and

iv) a connectivity chart entry indicating alert status of managed connectivity entities in the network (Manghirmalani, Fig.13 and 14, Col.5, lines 39-50, where load, error and

performance are shown in meter form and histogram as well and it will be obvious variation to represent the storage capacity in the chart form as well). Weber, Akagawa and Manghirmalani however are silent on disclosing the status array in N by M matrix of the plurality of chart entries. Beshai however, discloses, arrays and matrices (Beshai, [0102], where state arrays and matrices are used for path allocation in network environment).

Therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to combine the teachings of Weber, Akagawa and Manghirmalani with the teachings of Beshai in order to provide a node structure that permits scalability and can employ time-sharing techniques.

24. As to claims 17 and 34, Weber, Akagawa and Manghirmalani discloses the invention substantially as in parent claims 1 and 18, including, receiving a user input corresponding to selection of at least one node entry from among the node entries displayed in the status array (Weber, Fig.29, [0198], where use can click on the line item in the overview graphical user interface);

displaying an expanded menu of status options for the selected entry (Weber, Fig.29, [0198], where element-306 and 308 are expanded view); and

receiving a response to the menus of status options and displaying an expanded status report corresponding to the expanded menu (Weber, Fig.33, [0210]).

25. **Examiner's Note:** Examiner has cited particular columns and line numbers in the references, as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claims, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention, as well as the context.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tauqir Hussain whose telephone number is 571-270-1247. The examiner can normally be reached on 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571 272 3913. The fax phone

Application/Control Number:
10/674,322
Art Unit: 2152

Page 14

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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01/31/2008

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